REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-33 are pending in this application. Claims 1 and 29 have been amended.

Preliminary Matters

As a preliminary matter, Applicant notes that **claim 9** appears not to have been examined in the current Office Action. According to the Office Action Summary, claim 9 stands rejected, but the Office Action itself gives no grounds for rejection. In the interest of furthering prosecution of this application, however, Applicant will respond in regards to all claims that stand rejected.

35 U.S.C. § 103

Claims 1-5, 8, 10-12, 14-19, 21-22, 29 and 31-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,405,219 to Saether et al. (hereinafter "Saether") in view of U.S. Patent No. 5,689,688 to Strong et al. (hereinafter "Strong").

Claims 6 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Saether in view of Strong and in further view of U.S. Patent No. 5,958,019 to Hagersten (hereinafter "Hagersten").

Claims 7, 20, and 23-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Saether in view of Strong and in further view of U.S. Patent No. 5,923,855 to Yamazaki (hereinafter "Yamazaki").

Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Saether in view of Strong and in further view of U.S. Patent No. 5,774,660 to Brendel (hereinafter "Brendel").

The Saether Reference

Saether discloses, "A method and system for managing the replication and version synchronization of updates to a set of source files on geographically distributed heterogeneous content servers.... The current version of the source files are created on at least one source server. A Primary global server stores a copy of the current version of the set of the source files along with the configuration of each content server. The Primary global server generates and distributes a particular version change container and version distribution list to each remotely located Secondary global server. Each Secondary global server employs the version distribution list and the contents of the version change container to identify the current version of each source file necessary to upgrade the set of source files on each local content server. Each identified source file is copied to a sub-directory on each local content server associated with the Secondary global server. At each local content server, the renaming of each copied source file is employed to update to the current version of the set of source files on the content server." Saether Abstract.

Claims 1-14

Claim 1, as amended, recites a method of synchronizing data among a plurality of web servers, wherein each of the plurality of web servers is coupled to a common data server, the method comprising (emphasis added):

- retrieving a scheduled activation time from the data server;
- prior to the scheduled activation time, retrieving updated data into staging caches in the plurality of web servers; and
- at the scheduled activation time, copying the updated data from the *staging caches within each of the plurality of web servers* to an active cache within each of the plurality of web servers.

In making out the rejection of this claim, the Office Action argues on page 10 that Saether discloses "the updated data located in a repository (staging cache) in the global server being copied to a directory (active cache) on the content server." The Office Action cites to Column 1, lines 62-67, column 2, lines 19-22 and 60-65, and column 5, lines 13-25 for support. These excerpts and surrounding text are reproduced below (emphasis added):

> (c) copying each identifiably different source file from the source server to *the global server*, each source file copied from the source server and a set of source files stored on *the global server* being employed to create a current version of the set of source files on *the global server*; and (d) employing the configuration of each content server to copy the current version of each source file that is included in the set of source files on *the global server* to a directory created on each content server, whereby the version of the set of source files stored on each content server is updated by renaming the current version of each source file copied to the directory on each content server.

> . . . In accordance with still other aspects of the present invention, the method provides for when the current version of each source file is copied to the directory created on each content server, starting the

renaming process with the current version of each copied source file that is furthest away from the root directory of each content server.

. . . In accordance with yet other aspects of the present invention, the method provides for when a new content server is added to the network, employing the current version of the set of source files stored in a repository on *the global server* and a configuration of the new content server to replicate the current version of the set of source files in at least one directory created on the new content server.

. . . The Primary and Secondary global server generate a content change container that includes the current version of the set of new and/or changed source files and indicates which source files are to be removed on each local content server. Employing the contents of the content change container, each Secondary global server will make the update version changes as indicated in the version delivery list by copying the update version of the set of new and/or changed source files to temporary sub-directories on each of their associated local content servers. Similarly, *the Primary global server* will copy the update version of the set of new and/or changed source files to temporary sub-directories on each of its associated local content servers.

As the excerpts make clear, Saether teaches of a *single* Primary global server (also see Saether's Fig. 1). The Office Action on page 10 apparently equates Applicant's staging cache with Saether's "repository in the global server." However, Applicant's claim 1 specifies that there are *multiple* staging caches in a *plurality* of web servers. Assuming, *for the sake of argument only*, that Saether's repository in the global server does equate with Applicant's staging caches, Saether teaches of *only one* Primary global server as opposed to Applicant's *multiple* staging caches in a *plurality* of web servers.

For at least this reason, the Office Action's analogy fails. Neither Saether nor Strong, alone or in combination, teach or suggest *multiple* staging caches in a *plurality* of web servers. For at least this reason, claim 1 is allowable.

Claims 2-14 depend directly or indirectly from claim 1 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither disclosed nor suggested in the references of record, either singly or in combination with one another. In addition, given the Office's failure to establish a *prima facie* case of obviousness with respect to claim 1, Hagersten, Yamazaki, and Brendel are not seen to add anything of significance to the rejection of claims 6, 7, and 13, respectively.

Claims 15-22

Claim 15 recites a system comprising (emphasis added):

- a plurality of web servers coupled to a common data server, wherein *each* of the plurality of web servers comprises:
  o *a staging cache*;
  o *an active data cache* coupled to the staging cache;
  o wherein the web server is configured to retrieve a scheduled activation time from the data server, and further configured to retrieve updated data from the data server into the staging cache prior to the scheduled activation time; and
- wherein the web server is configured to copy data from the staging cache to the active data cache at the scheduled activation time.

In making out the rejection of this claim, the Office Action again argues on page 10 that Saether discloses "the updated data located in a repository (staging cache) in the global server being copied to a directory (active cache) on the content server." The Office Action cites to Column 1, lines 62-67, column 2, lines

19-22 and 60-65, and column 5, lines 13-25 for support. Those excerpts were reproduced above.

As discussed above, in relation to claim 1, Saether teaches a single Primary global server. In addition, Saether teaches multiple content servers. See Saether's Fig. 1. The Office Action on page 10 apparently equates Applicant's staging cache with Saether's "repository in the global server" and equates Applicant's active data cache with Saether's "directory on the content server." However, Applicant's claim 15 specifies that *each* of the plurality of web servers comprises a staging cache *and* an active data cache coupled to the staging cache. Assuming, *for the sake of argument only*, that Saether's repository in the global server does equate with Applicant's staging cache, and Applicant's active data cache equates with Saether's directory on the content server, it is clear that Saether does not teach or suggest a plurality of web servers, *each of which* comprises a staging cache *and* an active data cache coupled to the staging cache.

For at least this reason, the Office Action's analogy fails. Neither Saether nor Strong, alone or in combination, teach or suggest *each* of a plurality of web servers comprising a staging cache *and* an active data cache coupled to the staging cache. For at least this reason, claim 15 is allowable.

Claims 16-22 depend directly or indirectly from claim 15 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 15, are neither disclosed nor suggested in the references of record, either singly or in combination with one another. In addition, given the Office's failure to establish a *prima facie* case of obviousness with respect to claim 15, the Yamazaki reference is not seen to add anything of significance to the rejection of claim 20.

Claims 23-28

Claim 23 recites one or more computer-readable media having stored thereon a computer program comprising the following steps (emphasis added):

- retrieving a scheduled activation time from a data server;
- prior to the scheduled activation time, retrieving updated data into a staging cache in a server;
- at the scheduled activation time, copying data from the *staging cache in the server* to an *active cache in the server*; and
- after the scheduled activation time, updating data caches in the data server and calculating a next scheduled activation time.

In making out the rejection of this claim, the Office Action, like it did in claims 1 and 15, argues on page 10 that Saether discloses "the updated data located in a repository (staging cache) in the global server being copied to a directory (active cache) on the content server." The Office Action cites to Column 1, lines 62-67, column 2, lines 19-22 and 60-65, and column 5, lines 13-25 for support. Those excerpts were reproduced above, in the discussion of claim 1.

As discussed above, in relation to claim 15, Saether teaches a single Primary global server and multiple content servers. See Saether's Fig. 1. The Office Action on page 10 apparently equates Applicant's staging cache with Saether's "repository in the global server" and Applicant's active cache with Saether's "directory on the content server." However, Applicant's claim 23 specifies that, in at least one embodiment, data can be copied from the staging cache of a *single* data server to an active cache in the *same* data server. Assuming, *for the sake of argument only*, that Saether's repository in the global server does equate with Applicant's staging cache, and Applicant's active cache equates with Saether's directory on the content server, it is clear that Saether does not teach or

suggest that, in at least one embodiment, data can be copied from the staging cache of a *single* data server to an active cache in the *same* data server. For at least this reason, the Office Action's analogy fails.

Regarding the Yamazaki reference, the Office Action on page 9 alleges that "the use and advantage updating data caches in the data server after the scheduled activation time is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Yamazaki (column 1, lines 19-24, column 5, lines 48-57)." Although Yamazaki mentions updating data stored in cache memories of different processors in a multi-processor system, Yamazaki fails to teach or suggest the updating of data caches *after a scheduled activation time* as recited in claim 23.

Neither Saether, Strong, nor Yamazaki, alone or in combination, teach or suggest that, in at least one embodiment, data can be copied from the staging cache of a *single* data server to an active cache in the *same* data server and updating data caches in the data server after the scheduled activation time. For at least this reason, claim 23 is allowable.

Claims 24-28 depend directly or indirectly from claim 23 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 23, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claims 29-33

Claim 29, as amended, recites a method of synchronizing data among a plurality of web servers, wherein each of the plurality of web servers is coupled to a common data server, the method comprising (emphasis added):

- providing a scheduled activation time from the data server to each of the plurality of web servers;
- communicating updated data into a staging cache in each of the plurality of web servers prior to the scheduled activation time; and
- copying data from the staging cache in *each* of the plurality of the web servers to an active cache in *each* of the plurality of the web servers at the scheduled activation time.

As discussed previously, the Office Action on page 10 apparently equates Applicant's staging cache with Saether's "repository in the global server" and equates Applicant's active cache with Saether's "directory on the content server." However, Applicant's claim 29 specifies that data is copied from the staging cache in *each* of a plurality of web servers to an active cache in *each* of the plurality of the web servers. Assuming, *for the sake of argument only*, that Saether's repository in the global server does equate with Applicant's staging cache, and Applicant's active cache equates with Saether's directory on the content server, it is clear that Saether does not teach or suggest that data is copied from the staging cache in *each* of a plurality of web servers to an active cache in *each* of the plurality of the web servers. For at least this reason, the Office Action's analogy fails. Neither Saether, Strong, nor Hagersten, alone or in combination, teach or suggest copying data from the staging cache in *each* of a plurality of web servers to an active cache in *each* of the plurality of the web servers. For at least this reason, claim 29 is allowable.

Claims 30-33 depend directly or indirectly from claim 29 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 29, are neither disclosed nor suggested in the references of record, either singly or in combination with one another. In addition, given the Office's failure to establish a *prima facie* case of obviousness with respect to claim 29, the Hagersten reference is not seen to add anything of significance to the rejection of claim 30.
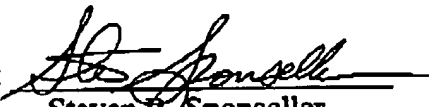
Conclusion

Claims 1-33 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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